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OCT 11 2004

# FACSIMILE COVER SHEET

Deliver to: Laura A. Grier, USPTO Art Group: 2644  
Facsimile No.: 703-872-9306 Date: October 11, 2004  
From: William W. Schaal, Reg. No. 39,018  
Our Docket No.: 80398P109 Number of pages 15 including this sheet.  
Application No.: 08/936,708 Filing Date: 9/24/1997  
Docket Due Date(s): 10/11/2004 | 11/11/20

Enclosed are the following documents:

<input checked="" type="checkbox"/> Amendment: <u>After Final</u> ( <u>11</u> pgs)	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Appeal Brief (in triplicate) ( ____ pgs)	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Application: _____ ( ____ pgs) w/cover & abstract)	<input type="checkbox"/> Petition for: _____
<input type="checkbox"/> Assignment & Cover Sheet ( ____ pgs)	<input type="checkbox"/> Request for Continued Examination (RCE)
<input checked="" type="checkbox"/> Certificate of <u>Eacsimile</u> _____	<input type="checkbox"/> Reply Brief ( ____ pgs)
<input type="checkbox"/> Continued Prosecution Application (CPA)	<input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i)
<input type="checkbox"/> Declaration & POA ( ____ pgs)	<input type="checkbox"/> Request to Rescind Previous Nonpublication Request
<input type="checkbox"/> Drawings: ____ sheets, ____ figures	<input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter
<input type="checkbox"/> Extension of Time: _____	<input type="checkbox"/> Response to Written Opinion ( ____ pgs)
<input checked="" type="checkbox"/> Fee Transmittal (in duplicate)	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> IDS & PTO/SB/08 ( ____ pgs)	<input type="checkbox"/> Transmittal of Publication Fee Due
<input type="checkbox"/> Other _____	<input checked="" type="checkbox"/> Transmittal Letter

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)**

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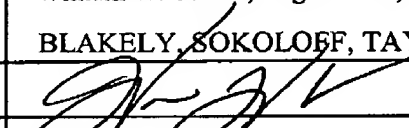
*Susan McFarlane* 10/11/2004  
Susan McFarlane Date


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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application No.	08/936,708
		Filing Date	September 24, 1997
		First Named Inventor	Jeffrey J. Claar
		Art Unit	2644
		Examiner Name	Laura A. Grier
Total Number of Pages in This Submission	14	Attorney Docket Number	80398P109

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> Amendment / Response  <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> PTO/SB/08  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; height: 60px; width: 100%;"></div>
Remarks		

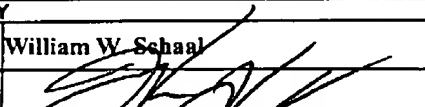
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	William W. Schaal, Reg. No. 39,018 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	October 11, 2004

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I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office.			
Typed or printed name	Susan McFarlane		
Signature		Date	October 11, 2004

Based on PTO/SB/21 (04-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wtr) 08/04/2004.  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

FEE TRANSMITTAL for FY 2004		Complete if Known	
Effective 10/01/2004. Patent fees are subject to annual revision.		Application Number	08/936,708
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Filing Date	September 24, 1997
TOTAL AMOUNT OF PAYMENT (\$)		First Named Inventor	Jeffrey J. Claar
	0.00	Examiner Name	Laura A. Grier
		Art Unit	2644
		Attorney Docket No.	80398PI09

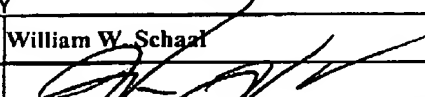
METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)	
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Deposit Account Number: 02-2666		Large Entity Small Entity	
Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP		Fee Code Fee (\$)	
The Commissioner is authorized to: (check all that apply)		Fee Description Fee Paid	
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Credit any overpayments		1051 130 2051 66 Surcharge - late filing fee or oath	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fees as required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.		1052 50 2052 25 Surcharge - late provisional filing fee or cover sheet	
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account		2053 130 2053 130 Non-English specification	
FEE CALCULATION		1812 2,520 1812 2,520 For filing a request for ex parte reexamination	
1. BASIC FILING FEE		1804 920 * 1804 920 * Requesting publication of SIR prior to Examiner action	
Large Entity Small Entity		1805 1,840 * 1805 1,840 * Requesting publication of SIR after Examiner action	
Fee Code Fee (\$)		1251 110 2251 55 Extension for reply within first month	
1001 790 2001 395 Utility filing fee		1252 430 2252 215 Extension for reply within second month	
1002 350 2002 175 Design filing fee		1253 980 2253 490 Extension for reply within third month	
1003 650 2003 275 Plant filing fee		1254 1,530 2254 765 Extension for reply within fourth month	
1004 790 2004 395 Reissue filing fee		1255 2,080 2255 1,040 Extension for reply within fifth month	
1005 180 2005 80 Provisional filing fee		1404 340 2401 170 Notice of Appeal	
SUBTOTAL (1) (\$)		1402 340 2402 170 Filing a brief in support of an appeal	
		1403 300 2403 150 Request for oral hearing	
2. EXTRA CLAIM FEES		1451 1,510 2451 1,510 Petition to institute a public use proceeding	
Total Claims: 28 - 26* = 0 x 18.00 = \$0.00		1452 110 2452 55 Petition to revive - unavoidable	
Independent Claims: 4 - 4* = 0 x 88.00 = \$0.00		1453 1,370 2453 685 Petition to revive - unintentional	
Multiple Dependent: Multiple Dependent		1501 1,370 2501 685 Utility issue fee (or reissue)	
Large Entity Small Entity		1502 490 2502 245 Design issue fee	
Fee Code Fee (\$)		1503 660 2503 330 Plant issue fee	
1202 18 2202 9 Claims in excess of 20		1460 130 2460 130 Petitions to the Commissioner	
1201 88 2201 44 Independent claims in excess of 3		1807 50 1807 50 Processing fee under 37 CFR 1.17(q)	
1203 300 2203 150 Multiple Dependent claim, if not paid		1808 180 1808 180 Submission of Information Disclosure Stmt	
1204 88 2204 44 **Reissue independent claims over original patent		8021 40 8021 40 Recording each patent assignment per property (times number of properties)	
1205 18 2205 9 **Reissue claims in excess of 20 and over original patent		1809 790 1809 395 Filing a submission after final rejection (37 CFR § 1.129(a))	
SUBTOTAL (2) (\$)		1810 790 2810 395 For each additional invention to be examined (37 CFR § 1.129(b))	
0.00		1801 790 2801 395 Request for Continued Examination (RCE)	
*For number previously paid, if greater, For Reissues, see below		1802 900 1802 900 Request for expedited examination of a design application	
		Other fee (specify)	
		SUBTOTAL (3) (\$)	

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	William W. Schaal	Registration No. (Attorney/Agent)	39,018
Signature		Telephone	(714) 557-3800
		Date	11/10/04

Based on PTO/SB/17 (10-03) as modified by Blakely, Sokoloff, Taylor & Zafman (Wtr) 02/10/2004.  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

FEE TRANSMITTAL for FY 2004		Complete if Known	
Effective 10/01/2004. Patent fees are subject to annual revision.		Application Number	08/936,708
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Filing Date	September 24, 1997
TOTAL AMOUNT OF PAYMENT (\$)		First Named Inventor	Jeffrey J. Claar
		Examiner Name	Laura A. Grier
		Art Unit	2644
		Attorney Docket No.	80398P109

METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account		3. ADDITIONAL FEES	
Deposit Account Number: 02-2666		Large Entity Small Entity	
Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP		Fee Code Fee (\$)	
The Commissioner is authorized to: (check all that apply)		Fee Description Fee Paid	
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Credit any overpayments		1051 130 2051 65 Surcharge - late filing fee or oath	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fees as required under 37 CFR §§ 1.18, 1.17, 1.18 and 1.20.		1052 60 2052 25 Surcharge - late provisional filing fee or cover sheet	
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account		2053 130 2053 130 Non-English specification	
1. BASIC FILING FEE		1812 2,520 1812 2,520 For filing a request for ex parte reexamination	
Large Entity Small Entity		1804 920 1804 920 Requesting publication of SIR prior to Examiner action	
Fee Code Fee (\$)		1805 1,840 1805 1,840 Requesting publication of SIR after Examiner action	
1001 780 2001 395 Utility filing fee		1251 110 2251 55 Extension for reply within first month	
1002 350 2002 175 Design filing fee		1252 430 2252 215 Extension for reply within second month	
1003 550 2003 275 Plant filing fee		1253 980 2253 490 Extension for reply within third month	
1004 780 2004 395 Reissue filing fee		1254 1,530 2254 765 Extension for reply within fourth month	
1005 180 2005 80 Provisional filing fee		1255 2,080 2255 1,040 Extension for reply within fifth month	
SUBTOTAL (1) (\$)		1404 340 2401 170 Notice of Appeal	
2. EXTRA CLAIM FEES		1402 340 2402 170 Filing a brief in support of an appeal	
Total Claims: 28		1403 300 2403 150 Request for oral hearing	
Independent Claims: 4		1451 1,510 2451 1,510 Petition to institute a public use proceeding	
Multiple Dependent: 0		1452 110 2452 55 Petition to revive - unavoidable	
Extra Claims: 0		1453 1,370 2453 685 Petition to revive - unintentional	
Fee from below: 18.00		1501 1,370 2501 685 Utility issue fee (or reissue)	
Fee Paid: \$0.00		1502 490 2502 245 Design issue fee	
Fee from below: 88.00		1503 680 2503 330 Plant issue fee	
Fee Paid: \$0.00		1460 130 2460 130 Petitions to the Commissioner	
Multiple Dependent: 0		1807 50 1807 50 Processing fee under 37 CFR 1.17(a)	
Large Entity Small Entity		1806 180 1806 180 Submission of Information Disclosure Stmt	
Fee Code Fee (\$)		8021 40 8021 40 Recording each patent assignment per property (times number of properties)	
1202 18 2202 9 Claims in excess of 20		1809 790 1809 395 Filing a submission after final rejection (37 CFR § 1.129(a))	
1201 88 2201 44 Independent claims in excess of 3		1810 790 2810 395 For each additional invention to be examined (37 CFR § 1.129(b))	
1203 300 2203 160 Multiple Dependent claim, if not paid		1801 790 2801 395 Request for Continued Examination (RCE)	
1204 88 2204 44 Reissue independent claims over original patent		1802 900 1802 900 Request for expedited examination of a design application	
1205 18 2205 9 Reissue claims in excess of 20 and over original patent		Other fee (specify)	
SUBTOTAL (2) (\$)		SUBTOTAL (3) (\$)	
or number previously paid, if greater, For Reissues, see below			

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	William W. Schanz	Registration No. (Attorney/Agent)	39,018
Signature		Telephone	(714) 557-3800
		Date	11/10/04

Based on PTO/SB/17 (10-03) as modified by Blakely, Sokoloff, Taylor & Zafman (wtr) 02/10/2004.  
SEND TO: Commissioner for Patents, P.O. Box 1468, Alexandria, VA 22313-1450

OCT 11 2004

Appl. No. 08/936,708  
Amdt. Dated 11/11/04  
Reply to Office Action of August 11,2004

**RESPONSE UNDER 37 CFR § 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 2644**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application. No. :	08/936,708	Confirmation No. 1031
Applicant :	Jeffrey M Claar	
Filed :	09/24/1997	
TC/A.U. :	2644	
Examiner :	Laura A. Grier	
Docket No. :	080398.P109	
Customer No. :	8791	

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Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450

**AMENDMENT UNDER 37 CFR § 1.116**

Sir:

In response to the Office action of August 11,2004, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims, which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 9 of this paper.

080398.P109  
App. No. 08/936,708

-1-

WWS/sm  
Filed: 9/24/97